

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

GLADYS YOLTON, WILBUR MONTGOMERY,  
ELSIE TEAS, ROBERT BETKER, EDWARD  
MAYNARD, and GARY HALSTED, on  
behalf of themselves and a class of persons  
similarly situated,

Plaintiffs,

v.

EL PASO TENNESSEE PIPELINE CO., and  
CNH AMERICA, LLC,

Defendants.

Hon. Patrick J. Duggan

Case No. 02-CV-75164

**CLASS ACTION**

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McKNIGHT, MCCLOW, CANZANO,  
SMITH & RADTKE, P.C.

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**STIPULATION FOR ENTRY OF  
SECOND SUPPLEMENTAL EARLY CLAIMS ORDER**

Plaintiffs and El Paso Tennessee Pipeline Co. ("El Paso Tennessee"), by their undersigned counsel, hereby stipulate and agree that the attached Second Supplemental Early Claims Order may be entered by the Court. In support, Plaintiffs and El Paso Tennessee state:

1. On November 17, 2011, this Court entered a Final Judgment pursuant to an August 17, 2011 Settlement Agreement between Plaintiffs and El Paso Tennessee. The Settlement Agreement provided that El Paso Tennessee would pay to Class Members an Authorized Claim

Amount as determined pursuant to the Authorized Claims Procedure, which was attached to the Settlement Agreement as Exhibit A.

2. Under Paragraph 4.c of the Authorized Claim Procedure, El Paso Tennessee agreed to make an Early Claim Payment to any Class Member who accepted the amount set forth in the Damage Claim Form; who did not seek additional damages; and who signed a Release in the form of Exhibit 13 to the Authorized Claim Procedure.

3. On July 9, 2012, the Court entered a Claims Order approving the payments of 2089 Claims set forth in the attached Payee Report and providing that Plaintiffs would have thirty (30) days from the date of the Order to identify additional Class Members who were entitled to an early payment of the Authorized Claim Amount.

4. On September 11, 2012, the Court entered a Supplemental Early Claims Order approving the payments of 245 additional Claims and 9 Conditional Claims.

5. Plaintiffs and El Paso Tennessee have now agreed that El Paso Tennessee will pay the Claims of Class Members Essie L. Dawson, JoAnn Evans, Lucille E. Roth (Deceased), Carl J. Morgenson (Deceased) and Michie Browne and will pay the Claim of Deceased Class Member Phyllis Johnson upon the submission of a Social Security Number from the Payee of that Claim.

6. Plaintiffs and El Paso Tennessee agree that the attached proposed Second Supplemental Early Claims Order may be entered by the Court.

WHEREFORE, Plaintiffs and El Paso Tennessee Pipeline Co. respectfully request that this Honorable Court enter the attached Second Supplemental Early Claims Order.

McKNIGHT, MCCLOW, CANZANO,  
SMITH & RADTKE, P.C.

KIENBAUM OPPERWALL HARDY  
& PELTON, P.L.C.

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Dated: October 23, 2012

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EASTERN DISTRICT OF MICHIGAN

GLADYS YOLTON, WILBUR MONTGOMERY,  
ELSIE TEAS, ROBERT BETKER, EDWARD  
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EL PASO TENNESSEE PIPELINE CO., and  
CNH AMERICA, LLC,  
Defendants.

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**SECOND SUPPLEMENTAL EARLY CLAIMS ORDER**

On November 17, 2011, the Court entered a Judgment approving the Settlement Agreement between Plaintiffs, on behalf of the certified class in this case, and Defendant El Paso Tennessee Pipeline Co. ("El Paso Tennessee"). As part of the Settlement Agreement, the Court approved an Authorized Claim Procedure under which the Authorized Claim Amount payable to each Class Member under the Settlement Agreement was determined.

Under the Authorized Claim Procedure, certain Class Members could elect to receive payment of their Authorized Claim Amount prior to entry of the Final Claims Order in exchange for signing and returning an individual Release of Claims.

On July 9, 2012, this Court entered a Claims Order approving the early payment of 2089 Authorized Claim Amounts.

On September 11, 2012, this Court entered a Supplemental Early Claim Order approving the payment of an additional 245 Authorized Claim Amounts and an additional 9 Authorized Claim Amounts upon presentation of appropriate documentation, Releases and Social Security Numbers.

Plaintiffs and El Paso Tennessee have now agreed to the entry of this Second Supplemental Early Claim Order for the payment of the following additional Authorized Claim Amounts for Class

Members where Releases have been obtained: Living Class Members Essie L. Dawson, JoAnn Evans and Michie Browne; and Deceased Class Members Lucille E. Roth, Carl J. Morgenson and Phyllis Johnson.

IT IS ORDERED that the payment of the Authorized Claim Amounts of Living Class Members Essie L. Dawson, JoAnn Evans and Michie Browne and Deceased Class Members Lucille E. Roth, Carl J. Morgenson and Phyllis Johnson are approved.

IT IS FURTHER ORDERED that within 60 days of entry of this Order, El Paso Tennessee shall deliver checks to Class Counsel made payable to Living Class Members Essie L. Dawson, JoAnn Evans and Michie Browne and to the Payees of the Authorized Claim Amount of Deceased Class Members Lucille E. Roth, Carl J. Morgenson and Phyllis Johnson.

IT IS FURTHER ORDERED that El Paso Tennessee shall release to Class Counsel the check made payable to the Payee of the Claim of Deceased Class Member Phyllis Johnson after El Paso Tennessee is satisfied that it has the appropriate Social Security Number.

IT IS FURTHER ORDERED that within 21 days of receipt of the checks, Class Counsel shall distribute the checks to the Class Members or Payees at their last known address by First Class Mail.

IT IS SO ORDERED.

S/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

Dated: October 24, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 24, 2012, by electronic and/or ordinary mail.

S/Marilyn Orem  
Case Manager